

FILED
San Diego Superior Court

AUG 28 2023

Clerk of the Superior Court
By: R. Cersosimo, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

ILSE ROBLES *et al.*,

Plaintiff,

v.

ANZAR ENTERPRISES, INC. *et al.*,

Defendants.

Case No. 37-2021-00052808-CU-OE-CTL

*Assigned to the Hon. Richard S. Whitney
Dept. 68*

CLASS ACTION

**Order Granting Preliminary Approval
of Class Action Settlement**

Motion for Prelim. App. Hearing

Date: August 25, 2023

Time: 10:30 a.m.

Reservation No.: 294157

Action Filed: December 17, 2021

[Notice of Motion and Motion, Memorandum,
Declaration of Nicholas J. Ferraro and Proof of
Service filed concurrently herewith]

1 This matter came on for hearing on August 25, 2023 at 10:30 a.m. in Department 68 of the
2 above-captioned Court on Plaintiff's Motion Preliminary Approval of Class Action Settlement
3 ("Motion").

4 Having fully reviewed the Motion, the supporting Memorandum of Points and Authorities,
5 Declaration of Nicholas J. Ferraro (and its exhibits), including the Class Action Settlement Agreement
6 ("Settlement"), and the Class Notice attached as an exhibit to the Settlement ("Class Notice"), and in
7 recognition of the Court's duties (to make a preliminary determination as to the reasonableness of any
8 proposed class action settlement; to ensure proper notice is provided to all Class Members in
9 accordance with due process requirements; and to set a Final Approval Hearing to consider the good
10 faith, fairness, adequacy and reasonableness of the proposed Settlement), the Court makes the following
11 determinations and orders:

12 1. The Court conditionally finds, for the purposes of approving this settlement only, the
13 proposed Class meets the requirements for certification under § 382 of the California Code of Civil
14 Procedure: (a) the proposed Class is ascertainable and so numerous joinder of all members of the Class
15 is impracticable; (b) there are questions of law or fact common to the proposed Class, and a well-
16 defined community of interest among members of the proposed Class with respect to the subject matter
17 of the class action; (c) the claims of the Class Representative are typical of the claims of the members
18 of the proposed Class; (d) the Class Representative do and fairly and adequately will continue to protect
19 the interests of the Class; (e) a class action is superior to other available methods for an efficient
20 adjudication of this controversy in the context of settlement; and (f) counsel of record for the Plaintiff
21 are qualified to serve as Class Counsel for the Class.

22 2. The Court finds, on a preliminary basis, the Settlement, incorporated by this reference
23 in full, and made a part of this Order, appears to be within the range of reasonableness of a settlement
24 which could ultimately be given final approval by this Court.

25 3. The Court further finds, on a preliminary basis: (a) the non-reversionary Gross
26 Settlement Amount is fair and reasonable to the Class when balanced against the probable outcome of
27 further litigation relating to class certification, liability and damages issues, and potential appeals;
28 (b) significant investigation, research, and informal discovery, have been conducted such that counsel

1 for the Parties are able to reasonably evaluate their respective positions; (c) settlement at this time will
2 avoid substantial costs, delay, and risks presented by further prosecution of the litigation; and (d) the
3 proposed Settlement was reached through intensive, serious, and non-collusive negotiations facilitated
4 by an experienced mediator.

5 4. Accordingly, good cause appearing, the Motion for Order Granting Preliminary
6 Approval of Class Action Settlement is **GRANTED**.

7 5. Class Members are therefore defined pursuant to the terms set forth in the Settlement.

8 6. The Court further finds the proposed Class Notice fairly and adequately advises Class
9 Members of (a) pendency of the Class Action Settlement; (b) conditional Class certification for
10 settlement purposes only; (c) preliminary Court approval of the proposed Settlement; (d) the date, time
11 and place of the Final Approval Hearing; (e) the terms of the proposed Settlement and the benefits
12 available to Class Members under the Settlement; (f) their right to receive a proportionate share of the
13 Net Settlement Amount without the need to return a claim form; (g) their right to request exclusion,
14 and the procedures and deadline for doing so; (h) their right to object to the Settlement, and the
15 procedure and deadline for doing so; and (i) their right to appear at the Final Approval Hearing.

16 7. The Court further finds the proposed Class Notice provides the best practicable notice
17 to the Class and clearly comports with all constitutional requirements, including those of due process.

18 8. The Court further finds that mailing of the Class Notice to the last known address of all
19 Class Members with measures taken for verification of an address and skip tracing of bad addresses, as
20 specifically described within the Settlement, constitutes an effective method of notifying Class
21 Members of their rights with respect to the class action and the Settlement.

22 9. Accordingly, for good cause, the Court **APPROVES** the Class Notice for distribution
23 to the Class pursuant to the notice procedures set forth in full in the Settlement.

24 10. Accordingly, it is **ORDERED** that:

25 a. Phoenix Settlement Administrators be appointed the Administrator of the
26 Settlement, as more specifically set forth in the Settlement;

27 b. Ferraro Vega Employment Lawyers, Inc. be appointed as Class Counsel;

28 c. Plaintiff Ilse Robles be appointed as Class Representative;

1 d. Not later than fifteen (15) calendar days (or, if that date falls on a weekend or
2 holiday, the next business day) after the date the Court grants preliminary approval of the Settlement,
3 Defendant shall provide to the Administrator for each Class Member the following information in a
4 Microsoft Office Excel (or similar) format: (1) first and last name; (2) last known mailing address; (3)
5 social security number; (4) the total number of weeks during which the Class Member performed any
6 actual work during the Class Period as a member of the Class and PAGA Period, as applicable, as a
7 PAGA Member ("Class Data");

8 e. Within fourteen (14) calendar days after its receipt of the Class Data, the
9 Settlement Administrator shall mail the Class Notice, including the Request for Exclusion form
10 attached thereto, to each member of the Class by first class, regular U.S. mail, using the most current
11 mailing address information available, with measures taken for updating an address as provided by the
12 terms of the Settlement.

13 f. On or before sixty (60) calendar days from the date the Settlement Administrator
14 first mails the Class Notice to Class Members (or, the next business day that is not a Sunday or holiday)
15 (the "Response Deadline"), Class Members who wish to exclude themselves from the Class must
16 submit a written request for exclusion pursuant to the Request for Exclusion form submitted with the
17 Class Notice. Class Members who fail to submit a valid and timely written Request for Exclusion on
18 or before the Response Deadline shall be bound by all terms of the Settlement and any final judgment
19 entered in this Action if the Settlement is approved by the Court.

20 g. Any Class Member who desires to object may appear in Court at the Final
21 Approval Hearing to present oral objections or provide written objections pursuant to the terms of the
22 Settlement;

23 h. In addition to appearing at the Final Approval Hearing and objecting orally to
24 the Settlement, on or before the Response Deadline, any Class Member who desires to object may send
25 a written notice of objection in the manner set forth in the Class Notice, stating (a) the objecting
26 person's full name, address, and telephone number; (b) the words "Notice of Objection" or similar
27 language; (c) describe, in clear and concise terms, the legal and factual arguments supporting the
28

1 objection; (d) list identifying witness(es) the objector may call to testify at the Final Approval hearing;
2 and/or (e) provide true and correct copies of any exhibit(s).

3 i. On or before the Response Deadline, Class Members who wish to dispute the
4 information upon which their individual settlement share will be calculated must postmark and return
5 to the Administrator an explanation in writing describing why he or she believes the information is
6 incorrect, along with any supporting information and/or documentation as described in the Class
7 Notice. Class Members who received a re-mailed Class Notice shall have their Response Deadline
8 extended fourteen calendar (14) days from the original Response Deadline.

9 11. IT IS FURTHER ORDERED that if for any reason the Court does not execute and file
10 an Order Granting Final Approval of Class Action Settlement, or if the Effective Date, as defined in
11 the Settlement, does not occur for any reason whatsoever, the Settlement and the proposed Settlement
12 that is the subject of this Order, and all evidence and proceedings had in connection therewith, shall be
13 restored without prejudice to the *status quo ante*, as more specifically set forth in the Settlement.

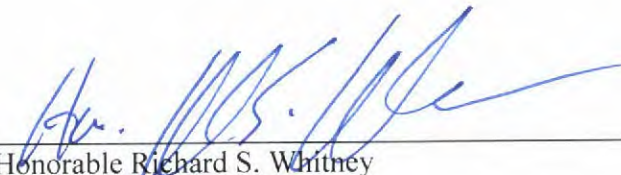
14 12. The Court reserves the right to continue the Final Approval Hearing without further
15 notice to the Class. However, if written objections are submitted, Class Counsel is ordered to serve
16 notice on any such objecting Class Member of the new date and time of the Final Approval Hearing.

17 13. **IT IS FURTHER ORDERED** that the Final Approval Hearing shall be held before
18 the undersigned at 10:30 A.M. on February 16, 2024, in Department 68 of the Superior Court of
19 California, County of San Diego located at 330 W. Broadway, San Diego, California 92101. At the
20 Final Approval Hearing, the Court will consider the fairness, adequacy, and reasonableness of the
21 proposed Settlement preliminarily approved in this Order, and to consider the application for a
22 Class Representative Service Payment to the Class Representative, Settlement Administrator
23 expenses to the third-party Settlement Administrator, and Class Counsel's attorneys' fees and
24 litigation expenses incurred.

25 **IT IS SO ORDERED.**

26
27 Date:

8-28-23


Honorable Richard S. Whitney
Superior Court Judge